

Concession is a Determinant for The Implementation of Telecommunication Technology Field in Indonesia

Grace Sharon^{1*}
Guswandi¹
Badariah Haji Din²

¹Faculty of Law, Universitas Krisnadwipayana

¹Faculty of Economics, Universitas Krisnadwipayana

²School of Government,
College of Law, Government and International Studies,
Universiti Utara Malaysia

*Corresponding author: gracesharon@unkris.ac.id

ABSTRACT

The existence of concessions in Indonesia is actually not a new thing, because previously it was regulated during the Dutch colonial era, which was stated in Burgelijk Wetboek (BW), under the 1899 Indische Mijnwet law which stipulates that all mining cooperation is granted in the form of concessions to Dutch citizens and their allies to explore and exploit the wealth of Mining Resources in Indonesia. And in its development, the concession in Law Number 30 of 2014 concerning Government Administration in Article 1 number 20 is given a definition as: a decision of the Governmental Officer authorized as a form of agreement from the approbation of government bodies and/ or officials with other government bodies and/ or officials in the management of public facilities and/ or natural resources and other management in accordance with the provisions of the legislation. However, at reality the concession in Indonesia is only limited to be used as an approbation or agreement in terms of natural resource management and transportation only, while in terms of the implementation of services related to the public interest, the concession has not been fully utilized. Just like what the author did to do research with the theme of concessions in the field of telecommunication technology. The first purpose of the objective paper is present that concessions license could be applied to telecommunication technology fields in Indonesia and the second is to provide all the regulation in Indonesia that is needed for regulate concessions license for the telecommunication technology field in Indonesia. In conducting this research the author uses the analysis contents method of the regulations that related with concession license, where is the regulation is provided by the National Law Office in the under of Indonesian

Ministry of Law and Human Rights as a provider of data banks for all the regulations that exist in Indonesia. And in addition, besides using the content analysis method of the regulations, the author is also use literature research method from several journals as supporting data. This study does not rule out the possibility that concessions can help and be used in many other fields that are closely related to the public interest that need to be served by the Government of Indonesia. This paper contributes a mind framework for policy makers and government to use concession license for improving the public interest service.

Keywords: *Concessions license, Concession regulation, Public interest, Telecommunication technology field.*

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INTRODUCTION

The meaning of concession is a thing of value that's being given, and there's two terms that make different meaning, that is "concession-making" to describe an activity and "concession" that describe the activity's value which can be measured (Kersten, Vahidov, & Gimon, 2013a) and some understanding of the concession can be given by the author referring to some opinions of experts at administrative law in Indonesia, first the concession is defined as a permit if the private party makes peace with the government to do some part of the government's work (HR, 2002). H.D Van Wijk argued that the form of concession was mainly used for various activities related to the public interest, which the government was not able to run by itself, so government handed over to private companies (Hadjon, 2002). Different in terms of initiative, Utrecht argues that sometimes regulators assume that an act that is important to the public can be held by a private legal object as well as possible, but by interfering from the government, a decision of the state administration that allows the person to carry out the act is to contain a concession (HR, 2002). And about the definition of 'public interest' itself until now is still lacks, because to explain about public interest cause some debate (Paisey & Paisey, 2018a) but tends to be viewed broadly, sometimes regarded as being synonymous with kindness without expecting a reply or general welfare, referring to wide community obligation (Hall, 2005) The conception of the public interest is also subject to different interpretation at different points in time, with developments such as a focus on efficiency, neo-liberalism, new public management, competition and growth. It changes a context for the consideration of the public interest (Paisey & Paisey, 2018b).